

Message Text

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APPROVED BY EA/J:NPPLATT
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FM SECSTATE WASHDC
TO AMEMBASSY TOKYO

UNCLAS STATE 252893

E.O. 11652: N/A

TAGS: PORG TQ JA

SUBJECT: CRIMINAL JURISDICTION IN TTPI

REF: TOKYO 15872

1. AS A GENERAL MATTER, U.S. CRIMINAL JURISDICTION AND CRIMINAL LAW DOES NOT RPT NOT AT THIS TIME EXTEND TO THE TRUST TERRITORY.
2. SECRETARY OF INTERIOR ORDER 2918 VESTED THE JUDICIAL AUTHORITY OF THE TT GOVERNMENT IN A HIGH COURT FOR THE TRUST TERRITORY AND SUCH OTHER COURTS AS MAY BE ESTABLISHED BY LAW. TITLE 5, SECTION 1 OF THE TT CODE ESTABLISHED THOSE OTHER COURTS ON DISTRICT AND COMMUNITY LEVELS. THE SUBSTANTIVE CRIMINAL LAW IS SET FORTH IN TITLE 11 AND RULES OF CRIMINAL PROCEDURE ARE ALSO SET FORTH IN THE CODE.

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PAGE 02 STATE 252893

3. ONLY THOSE FEW U.S. LAWS ARE APPLICABLE WHICH BY THEIR TERMS SPECIFICALLY EXTEND TO THE TRUST TERRITORY. LAWS IN THIS CATEGORY WHICH MAY, DEPENDING ON CIRCUMSTANCES, HAVE CRIMINAL ASPECTS INCLUDE CERTAIN NARCOTICS LAWS AND POSSIBLY FIREARMS AND CURRENCY LAWS.

4. WITH RESPECT TO THE NORTHERN MARIANAS, ARTICLE IV OF

THE COVENANT TO ESTABLISH A COMMONWEALTH PROVIDES FOR THE

ESTABLISHMENT BY THE U.S. OF A DISTRICT COURT AS PART OF
THE SAME JUDICIAL CIRCUIT AS GUAM. WE ANTICIPATE THAT
ADMINISTRATION-SPONSORED LEGISLATION TO ESTABLISH THIS
COURT WILL BE APPROVED BY CONGRESS THIS SESSION (S. 2149
PASSED SENATE OCT 13 AND IS PENDING HOUSE ACTION). AS OF
THE EFFECTIVE DATE OF SECTION 502 OF THE COVENANT (EXPECTED
TO BE JANUARY 9, 1978) ALL CRIMINAL LAWS APPLICABLE TO
GUAM WILL BECOME APPLICABLE TO THE NORTHERN MARIANAS. VANCE

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